

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Cole, et al.

Serial No.: United States National Phase  
of PCT/US00/15473

Filed: Herewith

For: FEMORAL INTRAMEDULLARY ROD SYSTEM

§  
§ Attorney Docket No.: 31181.26  
§  
§ I. A. Filing Date: June 6, 2000  
§  
§ Priority Date: June 10, 1999  
§

Attention: DO/EO/US  
Commissioner For Patents  
Washington, D.C. 20231

**EXPRESS MAIL CERTIFICATE**

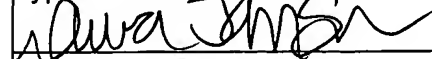
Express Mail Number: EL 828065175 US

Date of Deposit: December 10, 2001

I hereby certify that the following papers and fee are attached: Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 34 U.S.C. 371; Preliminary Amendment; Copy of PCT Request Form 101 w/specification, abstract, claims, and fifteen (15) sheets of drawings for originally filed priority Application No. 09/329,688; Copy of International Search Report (w/references); Copy of Written Opinion; Copy of Response to Written Opinion; Copy of Demand for International Preliminary Examination; Copy of Declaration/Power of Attorney; Copy of Recorded Assignment; authorization to charge our deposit account in the amount of \$50.00; and an Acknowledgment Postcard are being deposited with United States Postal Service "Express Mail Post Office to addressee" to the Commissioner for Patents, Washington, D.C. 20231.

Laura Johnson

Typed or Printed Name



Signature

December 10, 2001

D-968119.1

FORM PTO-1390  
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

31181.26

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/018023**

INTERNATIONAL APPLICATION NO.  
PCT/US00/15473

INTERNATIONAL FILING DATE  
06 June 2000

PRIORITY DATE CLAIMED  
10 June 1999

TITLE OF INVENTION  
FEMORAL INTRAMEDULLARY ROD SYSTEM

APPLICANT(S) FOR DO/EO/US  
J. Dean Cole, Carol A. Knobloch

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (copy of original U.S. case)
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

d968161.1

U.S. APPLICATION NO. (if known) ser 37 CFR 1.5)

1070180231

INTERNATIONAL APPLICATION NO.  
PCT/US00/15473

ATTORNEY'S DOCKET NUMBER  
31181.7

21. ☒ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO. .... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS PTO USE ONLY**

\$ 100.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	20 - 20 =	0	x \$18.00	\$ 0.00
Independent claims	2 - 3 =	0	x \$84.00	\$ .00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$ 100.00

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

\$ 50.00

**SUBTOTAL =**

\$ 50.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0.00

**TOTAL NATIONAL FEE =**

\$ 50.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ 0.00

**TOTAL FEES ENCLOSED =**

\$ 50.00

Amount to be  
refunded:

\$

charged:

\$

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 08-1394 in the amount of \$ 50.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 08-1394. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

J. Andy Lowes  
Haynes and Boone, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-9918  
Phone: (214) 651-5627  
Fax: (214) 651-5940

SIGNATURE

J. Andy Lowes

NAME

40,706

REGISTRATION NUMBER